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Chairman: Mr. Majoor ..... (Netherlands)
later: Mr. Peralta (Vice-Chairman) ..... (Paraguay)
later: Mr. Majoor (Chairman) ..... (Netherlands)

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The meeting was called to order at 10 a.m.

Agenda item 64: Promotion and protection of human rights (*continued*) (A/63/123, A/63/281-S/2008/431, A/63/370-S/2008/614 and A/C.3/63/5)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/63/161, A/63/223, A/63/259, A/63/263, A/63/270, A/63/271, A/63/272, A/63/274, A/63/275, A/63/278, A/63/286, A/63/287, A/63/288, A/63/289, A/63/290, A/63/292, A/63/293 and Corr.1, A/63/299, A/63/313, A/63/318, A/63/337, A/63/340, A/63/365, A/63/367 and A/63/486)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/63/322, A/63/326, A/63/332, A/63/341, A/63/356, A/63/459 and A/C.3/63/4)

(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/63/264 and A/63/264/Corr.1)

1. **Mr. Mbaidjol** (Director of the New York Office of the High Commissioner for Human Rights) introduced the following documents submitted under agenda item 64 (b): the reports of the Secretary-General on the protection of migrants (A/63/287), on the moratorium on the use of the death penalty (A/63/293 and Corr.1), on the right to development (A/63/340), on the protection of human rights and fundamental freedoms while countering terrorism (A/63/337), on combating defamation of religions (A/63/365), and on the Subregional Centre for Human Rights and Democracy in Central Africa (A/63/367), as well as the note of the Secretary-General providing information on the work of the Human Rights Council Advisory Committee relating to the right to development (A/63/318). He also introduced the following documents submitted under agenda item 64 (c): the reports of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/63/332) and on the situation of human rights in the Islamic Republic of Iran (A/63/459).

2. **Ms. Derjani-Bayeh** (Secretariat for the Convention on the Rights of Persons with Disabilities) introduced the report of the Secretary-General on the status of the Convention on the Rights of Persons with Disabilities and the optional protocol thereto (A/63/264 and Corr.1), which provided an overview of the status of the Convention as of 3 August 2008 and, based on more recent information, indicated that currently, 136 States had signed the Convention and 41 had ratified it, while 78 States had signed and 25 had ratified the optional protocol. The Convention had entered into force on 3 May 2008 and the first Conference of States parties, some of which had already taken specific steps for future implementation of the Convention, would be held from 31 October to 3 November 2008. The Department of Economic and Social Affairs continued to assist the Inter-Agency Support Group for the Convention and the United Nations Development Group task team on disability to develop guidelines on mainstreaming disability. The Third Committee had played and would continue to play a major role in the advancement of the rights of persons with disabilities in all aspects of development and human rights.

3. **Mr. Al-Shami** (Yemen) expressed his surprise concerning paragraph 43 of the report of the Secretary-General on the moratorium on the use of the death penalty (A/63/293), which indicated that persons under the age of 18 had been executed in five countries, including Yemen. That information was unfounded and had been provided by non-governmental organizations while, according to paragraph 4 of General Assembly resolution 62/149, the Secretary-General should present a report based on information provided by the Member States. Yemen, a State that respected human life, had amended its Penal Code in 1994 so that the most severe punishment applicable to a juvenile offender, even when the offence carried the death penalty, could not exceed 10 years' imprisonment. He stressed the need to verify the information.

4. **Mr. Rezvani** (Islamic Republic of Iran) said that the Committee should recall the circumstances in which General Assembly resolution 62/149 on the moratorium on the use of the death penalty had been adopted and the numerous amendments that had been introduced. The Member States had very divergent views on such a sensitive issue. In developing and Islamic countries, in particular, the death penalty was an integral part of the penal code. His delegation was profoundly concerned about and categorically rejected the figure relating to the Islamic Republic of Iran contained in paragraph 43 of the Secretary-General's report (A/63/293) and would provide any clarification as needed. Iran expressed its dismay to those in charge

of preparing the report that they had not verified the accuracy of the information provided by a non-governmental organization before publishing it. At the very least, the countries concerned should have been consulted before the information in question was included in the report.

5. **Mr. Saeed** (Sudan) said that, based on the contents of his report, the Secretary-General had exceeded his mandate, which had been clearly defined in General Assembly resolution 62/149, by requesting information from sources other than Member States. He asked the Director of the New York Office of the High Commissioner for Human Rights to provide him with an explanation. He also asked where the figures mentioned in paragraph 43 of the report had come from and how they had been included in the report without prior verification.

6. **Mr. Rezvani** (Islamic Republic of Iran), referring to the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/63/459), said that the document was not comprehensive and showed partiality. It gave a negative view of the country while turning a blind eye to the large number of achievements and did not take into consideration the opinions provided by the Iranian Government. It reaffirmed unfounded allegations from unreliable sources, and referred to earlier concluding observations of the Human Rights Committee that he doubted were still relevant. Iran remained firmly committed to the promotion of human rights, despite the unjust criticism in the report.

7. **Mr. Mbaidjol** (Director of the New York Office of the High Commissioner for Human Rights) said that the report on the moratorium on the use of the death penalty was based on replies received from the States and that the Secretariat had followed its usual practice of consulting various sources and cross-checking the information obtained, owing to the sensitive nature of the issue. In response to the comments of the representative of Iran, he said that the usual practice had been followed in the case of that report; in other words, the draft report had been forwarded to the Iranian Government for comments and the latter's opinions had been duly taken into consideration.

8. **Mr. Saeed** (Sudan) strongly emphasized the fact that, according to General Assembly resolution 62/149, the Secretary-General should only have taken into account the information provided by Member States when preparing his report and that, if he had decided to exceed his mandate, he should have verified all the information provided by other sources.

9. **Mr. Mbaidjol** (Director of the New York Office of the High Commissioner for Human Rights) acknowledged that States could legitimately voice concerns, but said that, when preparing the report on the moratorium on the use of the death penalty, the Secretariat had proceeded strictly in accordance with its usual practices.

10. **Mr. Saeed** (Sudan), speaking on a point of order, said that he was not satisfied with the answer provided by the Director of the New York Office of the High Commissioner. The Secretary-General had contravened his mandate, as defined in General Assembly resolution 62/149, which made no reference to information provided by other interested parties, and he asked the Director to tell him clearly whether the information had been verified prior to publication.

11. **The Chairman** said that the Director of the New York Office had provided the most exact reply possible and proposed that the Committee proceed to the general discussion.

12. **Mr. Saeed** (Sudan), speaking on a point of order, said that his questions were addressed to the Director of the New York Office and not to the Chairman, and that he wished to obtain a clear response.

13. **Mr. Mbaidjol** (Director of the New York Office of the High Commissioner for Human Rights) said that the Secretariat had clearly understood its mandate, which was to prepare objective and credible reports containing reliable information, and added that the figures that appeared in the report came from the Office of the High Commissioner, which was ready to provide Sudan with any explanation it required.

14. **Mr. Delacroix** (France), speaking on behalf of the European Union, the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro; and, in addition, Armenia and Ukraine, said that their Governments were working for the universal abolition of the death penalty and called upon all Member States to declare themselves in favour of a moratorium on executions. Committed to the principle of tolerance, the European Union was combating all forms of discrimination. It was planning to submit a draft

resolution on discrimination based on religion or belief, and underscored the need to allow free expression and dialogue on such questions. As for gender-based discrimination, violence against women, whether in the home or during armed conflict, was not a private matter but rather a disturbing development that all States must address. The European Union had as a result made combating violence against women one of its priorities.

15. The European Union believed that a more determined effort must be made to fight poverty and HIV/AIDS, which were synonymous with denial of rights; the economic, social and cultural rights must be more vigorously promoted through legislation; torture and other cruel, inhuman or degrading treatment or punishment had to be firmly condemned; and all human rights defenders, whom it hailed for working in the face of considerable risk, should be strongly supported.

16. **Ms. Banks** (New Zealand), speaking also on behalf of Australia and Canada in connection with agenda item 64 (e), expressed their strong, sustained support for the rights of persons with disabilities and welcomed the entry into force of the Convention on the Rights of Persons with Disabilities and the forthcoming establishment of the Committee on the Rights of Persons with Disabilities, which their countries had worked actively to bring about and would continue to support.

17. Since the recent temporary renovations at United Nations Headquarters had made access to the premises difficult for persons with disabilities, the Geneva Office, where the future Committee would be headquartered, should take a number of steps to accommodate the special needs of handicapped persons and allow them to participate fully in the Committee's work, by training the staff adequately in appropriate attitudes, giving thought to how meetings should be organized and ensuring that information was always provided in an accessible format.

18. In the interest of implementing the Convention effectively, Australia, Canada and New Zealand called for firm commitments from States, a dynamic partnership with civil society and the marshalling of assistance for the developing countries.

19. **Mr. Al-Nasser** (Qatar), speaking on behalf of the States members of the Cooperation Council for the Arab States of the Gulf, said that human rights and fundamental freedoms were embodied in their constitutions and legislation. In order to honour their international obligations to protect and promote human rights, they had been working to strengthen their institutions, review their laws, redress human rights violations, draft periodic reports in conjunction with representatives of civil society on the implementation of the conventions to which they were parties, and of course welcome visits by special rapporteurs and independent experts seeking information on the situation of human rights in their countries.

20. Categorically rejecting all forms of discrimination and incitement to religious hatred as breeding grounds of violence, the Gulf Cooperation Council countries continually promoted education and interreligious dialogue in their own countries and also in the developing countries, especially those affected by conflicts and natural disasters.

21. **Mr. Aisi** (Papua New Guinea), speaking on behalf of the States members of the Pacific Islands Forum, expressed great concern at the consequences of climate change, which threatened the effective enjoyment of basic rights. International action was needed to reduce greenhouse gas emissions and make the major emitting countries recognize their responsibilities. The Declaration on Climate Change adopted by the Pacific Islands Forum, which expressed the deep concern of its member countries at the threats posed by climate change to their economic and social well-being and their environment. The Pacific Island Forum welcomed the resolution on human rights and climate change adopted by the Human Rights Council. It asked all Member States to study seriously the forthcoming report on the question by the Office of the United Nations High Commissioner for Human Rights, and urged them to integrate their human rights obligations into policies and programmes dealing with climate change, at the same time bearing in mind that the least developed countries which had contributed least to greenhouse gas pollution would be the worst affected by climate change.

22. **Mr. Vaillant Frías** (Cuba) observed that almost sixty years after the adoption of the Universal Declaration of Human Rights, there was even more need for a serious and objective debate on the effective enjoyment of human rights and fundamental freedoms by all, because the inequality and exclusion from which a great many countries suffered were keeping their people from enjoying the most basic rights. Third-

World countries were victims of an unjust world order in which the industrialized countries continued to exploit the poorest nations.

23. Some of those industrialized countries were distancing themselves from the Vienna Declaration and Programme of Action by contravening the principles of objectivity, impartiality and non-selectivity, as well as the principle of the universality of human rights. The developed countries minimized and even disregarded objectives as important to the promotion and protection of human rights as the eradication of poverty, equity, social justice, the participation of all in decision-making, and the rights to peace and development. They rejected a globalization of solidarity and a more just world order and sought to impose a single model of social organization. They remained silent on the flagrant violations of human rights that were being committed in the name of the war against terrorism.

24. Democracy and universality could be founded only on genuine respect for the rights of peoples to embrace the political, economic and social organization they considered appropriate. Cuba was proud of the intrinsically popular and participatory democracy it had built. It expected others to respect the model of organization it had chosen but did not intend to impose it on any other country.

25. **Ms. Farani Azevêdo** (Brazil), referring to the right to food, said that the international community was facing the challenge not merely of a lack of food but especially of an unfair and unequal distribution of wealth; and that it was therefore imperative in any report on the issue to address the structural causes of that imbalance. Drawing attention to some of the arguments put forward by the Special Rapporteur on the right to food in his report (A/63/278) concerning agricultural subsidies and biofuels and their relation to the right to food, she said it was well known that the subsidies given by the rich countries to their farmers had a negative impact on the food production of the developing countries. Besides being unfair and in some cases illegal, those subsidies were the most notorious cause of depressed prices, rural underdevelopment and hunger and poverty in poor countries. In his report, the Special Rapporteur did not take sufficient account of the harm they caused or of the fact that the developing countries were not competing on an equal footing because they could not give their farmers the same support that the rich countries did. Nor did he consider the fact that subsidies for subsistence agriculture did not distort international trade, contribute to price depression, or impede rural development, whereas the agricultural subsidies of the rich countries jeopardized the ability of the developing countries to develop their own agricultures and export their products.

26. Brazil had been producing and using biofuels for decades. Its production of ethanol was not harmful to the environment. It did not hinder food production; it created jobs and contributed to development. Biofuels did not threaten the food security of poor nations; on the contrary, if their production was managed, biofuels could help countries out of food and energy insecurity. Sharing agricultural technology with developing countries was another way to guarantee their right to food. Food aid was necessary, but capacity-building was indispensable for the development of long-term sustainable rural infrastructure. She invited the Special Rapporteur to examine the positive impact of agricultural technology transfer on the realization of the right to food.

27. With regard to the right to development, as President pro tempere of the Common Market of the South (MERCOSUR), Brazil supported the recommendation to include MERCOSUR in the workplan of the task force of the Working Group on the Right to Development and was open to engaging in fruitful dialogue.

28. Brazil believed that for the right to health, the emphasis should also be put on capacity-building for developing countries. While aid for buying medicines was needed, it was essential for efforts to be made to strengthen their national health systems in a sustainable way and increase their access to medicines, including by developing local production. In that regard, Brazil supported the establishment of a antiretroviral medicine factory in Mozambique, which would serve the whole region.

29. With regard to the rights of migrants, while each State had the sovereign right to adopt its own legislation on the entry and stay of foreigners on its territory, Brazil firmly believed that the international community should adopt a human-rights-based approach towards the issue of migration without delay, so that irregular migrants were no longer treated as criminals.

30. *Mr. Peralta (Paraguay), Vice-Chairperson, took the Chair.*

31. **Mr. Islam** (Bangladesh) said that his country's Constitution incorporated the principles and provisions of the Universal Declaration of Human Rights, guaranteed the universal and inalienable fundamental rights of all citizens, and contained special provisions for the rights of women, children, minorities, disabled persons and other vulnerable groups. Bangladesh was party to all the core international human rights instruments and a member of the Human Rights Council, and regularly reviewed its legislation to bring it into line with its international human rights obligations.

32. Bangladesh had overhauled its democratic institutions with a view to strengthening its democracy from a human rights perspective. With technical assistance from the Office of the High Commissioner for Human Rights, it had established a National Human Rights Commission. In 2008 it had adopted the Right to Information Ordinance and created a Truth and Accountability Commission, which could pardon those who had committed acts of corruption in exchange for the restitution of their misappropriated funds. Substantive reforms had also been made in the police force and the judiciary had been separated from the Executive Branch.

33. The right to development should be pursued from a rights-based perspective, keeping the specific needs of the developing countries in mind. The capacity of the Office of the High Commissioner to react promptly to critical human rights situations should be put to the best possible use. In view of the current global food crisis, the Special Rapporteur should make concrete recommendations for ensuring access to food for all. The politicization of human rights remained an obstacle to the non-selective and universal application of human rights standards.

34. *Mr. Majoor (Netherlands), Chairperson, resumed the Chair.*

35. **Mr. Ochoa** (Mexico) said that his country believed that cooperating with the international community and the mechanisms of the United Nations helped strengthen national capacities for promoting and protecting human rights. He gave examples of his country's continuing collaboration with the international system and said that, in early 2008, Mexico had signed an agreement with the Office of the High Commissioner for Human Rights extending its presence and work in the country until 2012. The Special Rapporteur on the human rights of migrants and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had visited the country in 2008. Mexico had accepted the competence of the Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities to receive and consider communications from individuals.

36. A national human rights programme had recently been implemented for the period 2008-2012, in full accord with the spirit of the Vienna Declaration and Programme of Action. The public security and criminal justice system was to be reformed over the next few years. Mexico had also amended its population legislation in order to decriminalize illegal immigration. In that regard, he recalled that at its last session, the Human Rights Council had urged all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants and to take actions to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups.

37. Mexico welcomed the adoption by the Human Rights Council of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and urged all countries to adopt it by consensus during the present session of the General Assembly. Mexico also welcomed the recent entry into force of the Convention on the Rights of Persons with Disabilities and said that the rights of persons with disabilities should be systematically taken into account in all areas of activity of the United Nations system. Mexico, New Zealand and Sweden would be submitting a draft resolution on that issue, which called in particular for the universal ratification of the Convention and its Optional Protocol.

38. Mexico would also be submitting two draft resolutions on the fundamental rights of migrants and the protection of human rights and fundamental freedoms in the fight against terrorism and hoped that they could be adopted by consensus. Lastly, Mexico, which had abolished the death penalty de jure in 2005, would continue to support the efforts of the United Nations and its Secretary-General to introduce a moratorium on the death penalty with a view to its universal abolition.

39. **Mr. Chernenko** (Russian Federation), referring to the Convention on the Rights of Persons with

Disabilities, said that, as the first treaty drafted by the United Nations in the 21st century, it filled a gap in the protection of 650 million people worldwide. Having supported its establishment, the Russian Federation had signed it in September, thus demonstrating its commitment to supporting and protecting persons with disabilities. In order to guarantee decent living conditions for the country's 12 million disabled people and to assist with their integration into society, the Russian Federation, together with various organizations of persons with disabilities, was developing and applying measures aimed primarily at allowing them to enjoy the same civil, political, economic, social and cultural rights as their fellow citizens, in accordance with its Constitution and the international agreements to which it was a party. Those measures came under the 1995 Act on the social protection of persons with disabilities, most recently enhanced by the Presidential Decree of 13 May 2008, which had provided for new measures to guarantee social protection to persons caring for invalids. The Government had organized several events for the benefit of the disabled, in particular the Paralympic Games for children which had taken place in October, and a campaign that would be launched in 2009 pursuant to the Year of Equal Opportunities for All.

40. By signing the Convention, the Russian Federation had responded to the Secretary-General's appeal to all Member States to make a greater commitment to human rights. It had given priority to the implementation of measures under the Federal Social Protection Plan 2006-2010 for persons with disabilities, which included modernizing hospitals and ensuring access for persons with disabilities to accommodation or employment, among other benefits, so that in the future they would be able to lead a life worthy of the name.

41. **Mr. Delacroix** (France), speaking on behalf of the European Union, said that the candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania and Montenegro, as well as Georgia, associated themselves with his statement. The General Assembly must not remain impassive before violations of human rights throughout the world, and he called on Member States to be vigilant and to enter into dialogue with the countries where such abuses occurred.

42. The human rights situation in Burma and the Democratic People's Republic of Korea had moved the European Union to submit draft resolutions, since those countries had turned a deaf ear to the appeals of the international community. He described the humanitarian situation in Burma as critical. The United Nations and the Association of South-East Asian Nations (ASEAN) had an essential humanitarian assistance role to play, especially at a time when cyclone Nargis had worsened an already difficult situation, and non-governmental organizations must be able to work freely. The Burmese authorities must accede to the demands of the international community and free political prisoners, in particular Aung San Suu Kyi, undertake a process of democratization and national reconciliation open to all and comply with the Special Rapporteur's recommendations and those which the Human Rights Council had expressed in its resolution 8/14 on the situation of human rights in the country. Turning to the Democratic People's Republic of Korea, he said that human rights were systematically violated and that the humanitarian situation there was extremely precarious. Nationals who attempted to flee the country were reportedly punished severely, and the fate of refugees was a matter of concern. In that connection, he recalled that countries that took in refugees had a responsibility to respect their commitments under international humanitarian law. The authorities of the Democratic People's Republic of Korea, for their part, should cooperate with the United Nations system, in particular the Special Rapporteur, and the international community in order to establish a constructive dialogue, and must protect the civilian population from mass atrocities, in line with their responsibility to protect.

43. In Sudan, international humanitarian law was still too often flouted, in particular in Darfur, and the European Union demanded once again that the perpetrators of abuses should be brought to justice. The Government must make it a priority to eliminate impunity and cooperate without reservation with the International Criminal Court. Regrettably, security conditions continued to deteriorate, and the European Union had condemned the attack in the camp at Kalma as well as the operations carried out by Sudanese forces in the Jebel Marra in September. Furthermore, by extending the mandate of the Special Rapporteur on the situation of human rights in Sudan in 2007, the international community had clearly expressed its concern at the deterioration of the situation. Sudan

must continue to cooperate with the United Nations and the African Union in order to accelerate the deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), and all parties must join in seeking a political solution.

44. In Sri Lanka, violations of international humanitarian law remained a matter of concern. All parties to the conflict must take concrete measures to protect civilians and guarantee their freedom of movement, and to enable humanitarian organizations to work in complete safety. The authorities must make every effort to prevent the recruitment and use of child soldiers, to protect journalists and to guarantee freedom of the press and freedom of expression. They must, furthermore, cooperate with the United Nations system to combat impunity and human rights violations.

45. In the Democratic Republic of the Congo, while cooperation between the authorities and the International Criminal Court had made it possible to arrest a third warlord and transfer him to The Hague, violations of human rights continued and huge numbers of women were subjected to sexual violence, which was alarming. To turn rape into a weapon of war was a barbaric practice that must be combated, as must the recruitment of child solders and their use by armed bands. Furthermore, the situation of human rights defenders was also worrying. The European Union was awaiting with interest the reports on the topic to be presented by the special procedures mandate holders and the High Commissioner for Human Rights.

46. The situation in the Islamic Republic of Iran was alarming, owing to the increase in the number of executions, in particular of minors, the continuation of stonings, repression of minorities, severe restrictions on freedom of expression and of the press, discrimination and violence against women, and the persecution of human rights defenders. The Government must respect its commitments, end impunity for perpetrators of abuses, eliminate all forms of discrimination and violence based on gender or sexual orientation and free the women detained for having participated in the "one million signatures" campaign.

47. In Zimbabwe, the regime of President Mugabe had long violated human rights, and the situation had become even worse at the time of the most recent elections. The latter had been marked by a campaign of intimidation which had resulted in numerous deaths, injuries and displacements. At the end of the campaign, as the only candidate still standing, Mr. Mugabe had succeeded in having himself re-elected. The agreement concluded on 15 September 2008 still had not made it possible to form a government of unity, and the political crisis had been accompanied by a catastrophic deterioration in the economic and social situation. At a time when over five million people depended on food and medical assistance donated by the international community, in summer 2008 the authorities had suspended the activities of the humanitarian agencies. The rule of law must be re-established and unrestricted humanitarian access maintained, so that the European Union, the principal donor of aid to the country, could bring help to its vulnerable populations.

48. In Somalia, the violence was continuing despite the conclusion in August 2008 of the Djibouti Agreement which had been intended to open the way to a ceasefire. The climate of insecurity was likely to cause a deterioration in the human rights situation and lead to violations of international humanitarian law; it endangered members of humanitarian organizations and journalists. In that context, the European Union welcomed the extension of the mandate of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia. Meanwhile, the situation in Eritrea had deteriorated continuously since 2000, and the extremely repressive regime in power had eliminated most freedoms, imposed a single-party system and had prevented the holding of elections from the time of independence to date. The European Union called for the release of all political prisoners and of the journalists held in secret, without trial, since September 2001.

49. In Belarus, despite certain improvements, the legislative elections held on 28 September 2008 had not met the criteria for democratic elections of the Organization for Security and Cooperation in Europe (OSCE). The authorities should strive to remedy the problem, fulfil their international obligations and cooperate with the OSCE's Office for Democratic Institutions and Human Rights. The European Union, which welcomed the release of the last political prisoners, was prepared to enter into dialogue with all participants in the democratic debate with a view to promoting a progressive rapprochement, strengthening democracy and enhancing respect for human rights.

50. As for Uzbekistan, it must fulfil all of its international commitments, namely, by putting an end to persecution of human rights defenders, releasing those defenders who remained imprisoned, and persevering on the path of respect for human rights, democratization and the rule of law, with the assistance of the European Union where appropriate.

51. Lastly, the efforts made by Cuba should be commended, particularly the ratification of the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, in addition to its overtures towards some political prisoners; the country should continue on that path. Its meeting with the European Union Troika in Paris on 16 October should facilitate the resumption of an open, global dialogue on mutual areas of interest, particularly human rights, in order to obtain concrete results.

52. **Mr. Wenaweser** (Liechtenstein) said that 2008 marked not only the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, but also the fifteenth anniversary of the establishment of the Office of the High Commissioner for Human Rights. On that occasion, it was useful to reflect on the future direction of the Office. The inclusion of the human rights dimension in all areas of United Nations work had been a goal for over a decade. While it was difficult to imagine the United Nations without the Office of the High Commissioner, given its tremendous impact on human rights work, the Office should be more involved in policymaking in New York, both in the intergovernmental bodies and in the Secretariat.

53. To that end, it would be advisable to elevate the standing of the New York Office of the Office of the High Commissioner for Human Rights and to establish within it an Assistant Secretary-General position, but Member States must also ensure that their decision-making took into account the human rights dimension and the opinions of the relevant actors. The High Commissioner should thus be given the opportunity to address the Security Council whenever a relevant topic came up for discussion. In addition, Member States should address the relationship between the General Assembly and the Human Rights Council in order to resolve practical questions, such as the General Assembly's review of the Council's annual report. In that connection, it was unfortunate that the Third Committee had barely studied the issue due to scheduling constraints. It was necessary to preserve the competence of the Human Rights Council to make autonomous decisions, while also making its decisions better known in New York and allowing Member States to discuss its recommendations throughout the year, not just when the Council's report was before the General Assembly. A simple solution would be not to close the agenda item entitled "Report of the Human Rights Council" in December, thereby favouring more active exchange between the General Assembly and the Human Rights Council, as well as between Geneva and New York.

54. On the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, it must be acknowledged that if its provisions had been applied, the world would be a very different place. Nevertheless, progress had been made in setting standards. In that context, the States parties to the Convention on the Rights of Persons with Disabilities would soon meet for the first time, and States would be able to take up substantive matters under the Convention. Analogous provisions could be included in other human rights conventions to allow States parties to become more involved, for instance, with regard to some aspects of treaty body reform or the question of reservations.

55. **Ms. Banks** (New Zealand) welcomed the progress achieved since the adoption of the Universal Declaration of Human Rights, and cited the entry into force of the Convention on the Rights of Persons with Disabilities and the establishment of the Human Rights Council as two of the most recent examples of that progress. As a candidate for election to the Council in 2009, New Zealand hoped to be the first member of that body from the Pacific region.

56. With regard to the struggle against racial discrimination, New Zealand supported the call of the High Commissioner for Human Rights for consensus on the issue, and it would play its part to support that objective at the Durban Review Conference in April 2009. Furthermore, New Zealand welcomed the establishment of the universal periodic review (UPR) mechanism, and it was currently examining its own human rights performance in preparation for submitting its State report for participation in the UPR the following year. Her country had assisted the Kingdom of Tonga in preparing its State report; she indicated that Tonga had made considerable progress on civil and political rights, in particular its

commitment to devolution of power to a democratically elected Government in 2010.

57. Her delegation drew attention to two pressing human rights questions. The first was the death penalty, which constituted the most egregious form of legally sanctioned violence. New Zealand had co-sponsored General Assembly resolution 62/141 calling for a moratorium on the use of the death penalty, a significant milestone in the quest for its eventual abolition. It welcomed the Secretary-General's report on the moratorium (A/63/293). New Zealand urged the five countries that continued to execute juvenile offenders to take immediate steps to prohibit the practice by law, and while such steps were being taken, to adopt a moratorium on all executions of juvenile offenders.

58. A second human rights failure was the high rate of maternal mortality and disability, with two million in Africa, South Asia and the Arab region alone; some countries in the Pacific Islands region were among the worst affected. New Zealand supported the active consideration of maternal mortality and human rights in the United Nations system, including active support for emergency obstetric care, family planning and skilled birth attendance.

59. She drew attention to human rights situations in certain countries where urgent action was required. In the Democratic People's Republic of Korea, extrajudicial executions and torture were reported to be widespread, and there were severe restrictions on fundamental freedoms. The situation in Myanmar remained a cause for concern; New Zealand called for the immediate release of all political detainees in order to pave the way for dialogue involving all parties. In Darfur, human rights abuses continued to be committed on a serious scale; both State and non-State actors continued to violate fundamental rights and international humanitarian law in the targeting of civilians. The impunity enjoyed by the perpetrators of such violations undermined efforts to resolve the conflict. In Zimbabwe, the implementation of the declared power-sharing agreement had been delayed. New Zealand called on all parties to honour their commitments in that regard and to establish a Government that reflected the will of the people. In the meantime, it also called on the current administration to facilitate the provision of food aid by humanitarian partners. While Israel and the Palestinian Authority were pursuing peace negotiations, the situation for much of the population of the occupied Palestinian territory, and especially Gaza, remained dire. Israeli operations had caused severe humanitarian hardship and frustrated the exercise of human rights. Israel must abide by its legal commitments. With regard to Iran, New Zealand was particularly concerned at the execution of minors, punishment by stoning, restrictions on the right to freedom of religion and discrimination against ethnic and religious minorities.

60. **Ms. Blum** (Colombia) said that her country was committed at the highest level to guarantee and protect human rights. Human rights considerations were increasingly incorporated into all development plans and at all levels. Her Government had strengthened judicial institutions, which were so crucial to combating impunity, and increased the budget for that sector by more than 66 per cent over the previous six years. It had also implemented strategies to prevent human rights violations, including early warning systems and protection programmes. It had strengthened protection for trade union officials, teachers and journalists and made efforts to combat impunity for the murders of trade unionists. Colombia would submit its report, which was a collaborative effort, to the Human Rights Council's universal periodic review mechanism in December 2008. Cooperation and the initiation of frank and constructive dialogue with the Office of the United Nations High Commissioner for Refugees (UNHCR) would enable it to enhance its national human rights protection capacities.

61. **Mr. Mohamed** (Maldives) said that he was proud to report that the national programme for reform of democratic institutions and human rights launched by his country in 2004 had been completed in 2008. Major success included a new Constitution guaranteeing complete separation between legislative, executive and judicial powers, creation of new agencies and institutions, notably in the judicial sector, adoption of a human rights charter, accession to eight of the nine international human rights conventions, establishment of a multi-party political system, strengthening and expanding a free and independent press, and establishing a suitable framework for the development of a dynamic civil society.

62. During the current meeting of the Committee, his country had completed the second round of its presidential election. That free and fair election had mobilized the people, whose enthusiasm bore moving

witness to the progress made in the past four years by a new Maldives, guided by the belief that a dynamic, prosperous and happy society must be founded on the protection and promotion of fundamental rights. Despite the success of the reform programme, much remained to be done to reinforce the reforms and make them permanent. His country's success was also the United Nations' success. In the current climate of global political and economic uncertainty, it was important to remember that through collective action the international community could create a better world in accordance with the principles of the Charter of the United Nations.

63. **Ms. Kurosaki** (Japan) said that promotion of human rights had always occupied an important place in her country's diplomacy. Having gained a better understanding of human rights situations through exchanges on the issue, it had been able to engage in concrete cooperation with over a dozen countries, mainly in Asia, and continued to provide support in accordance with need to countries making efforts to promote human rights. At the ninth session of the Human Rights Council it had introduced a draft resolution entitled "Advisory services and technical assistance for Cambodia", adopted by consensus, which promoted cooperation between Cambodia and the international community. It would continue to provide assistance to the Cambodian Government to ensure completion of the judicial reform being undertaken in that country.

64. At the eighth session of the Human Rights Council, Japan had introduced a draft resolution entitled "Elimination of discrimination against persons affected by leprosy and their family members", which had been adopted by consensus. OHCHR was organizing a follow-up conference to be held in January 2009, in which her country invited all Member States to take part. In addition, mainly through the Global Fund to Fight AIDS, Tuberculosis and Malaria, her country had contributed to global efforts for persons affected by HIV/AIDS. Her Government was also collaborating with municipalities and non-governmental organizations to raise awareness and eliminate discrimination and prejudices about HIV/AIDS, and campaigns had been launched to encourage employers to hire persons living with HIV/AIDS.

65. Internationally, Japan had made security one of the cornerstones of its diplomacy. The goal of human security was to build societies in which people could achieve their full potential and live in dignity, consistent with the mainstreaming of human rights within the United Nations system.

66. On the national as well as on the international level, her country was working to support the advancement of women and to mainstream gender issues. With a view to protecting vulnerable groups and establishing a society based on respect for others, it had also taken measures to support the independence of disabled persons and their participation in social life, so that they could enjoy their basic rights and freedoms in accordance with the Convention on the Rights of Persons with Disabilities, which her country had signed in 2007 and hoped to ratify soon.

67. **Mr. Rachkov** (Belarus) said that human rights was a very politically sensitive issue, with some countries regarding as fundamental what others found unacceptable, and that those differences needed to be taken into account in order to facilitate international cooperation. Recalling the principles of General Assembly resolution 61/166, which had been adopted by the Third Committee on the initiative of Belarus, he said that it was important to take into account national particularities and foster dialogue.

68. The Committee's agenda very legitimately included a broad range of issues, but since the creation of the Human Rights Council there had been overlap in certain areas. It would be advisable to define the Council's and the Committee's respective authorities.

69. His country believed that the Council was the best place for in-depth and depoliticized consideration of country-specific human rights situations. Whereas the Committee lacked implementing mechanisms and often played an accusatory rather than an encouraging role with respect to States, the Council had at its disposal the universal periodic review mechanism, which reviewed country specific human rights situations with greater objectivity and documented its conclusions.

70. He noted with satisfaction that the atmosphere was less tense than at previous Committee sessions, and hoped that a reasonable and responsible approach would also be taken to the introduction of draft resolutions. Resolutions should help to establish suitable conditions for human rights and not serve political interests.

The meeting rose at 1.10 p.m.